

Suit Is Won On Copyright By Rickover

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A Federal judge ruled here yesterday that Government officials can copyright their speeches and papers if they are a product of what the officials do on their own time.

District Court Judge John Lewis Smith clarified copyright law on the matter, and in so doing wrote another chapter in an eight-year feud between Vice Adm. Hyman G. Rickover and Public Affairs Press.

Public Affairs Press wanted to publish two speeches Rickover made in 1958 and 1959, but Rickover denied permission, saying the texts were copyrighted and that he had made printing arrangements with another publisher.

Maurice Schnapper, president of Public Affairs, a Washington concern, took Rickover to court, battling all the way to the Supreme Court in his contention that the Admiral's copyright was invalid since he had prepared the speeches partially on Government time and with Government facilities.

Schnapper also contended that the contents of the speeches were so closely related to Rickover's public

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Rickover Copyright Is Upheld by Judge

duties that they could not be considered private.

The Supreme Court, stressing the need for clarification in this sensitive area of public versus private ownership, sent the matter back to Judge Smith for further review because the record was "inadequate to support a ruling."

In clarifying the rules, Judge Smith noted that the Government has found it desirable that employees who write or speak on their own time should not be inhibited from doing so, since they have knowledge that is important to the public interest and might otherwise be lost. He also said that the policy of allowing copyright for off-hours work is helpful in recruiting

good men to Government service.

Judge Smith found that both speech offers were made to Rickover as a "private citizen," that Rickover delivered them on his own time after preparing them "in the privacy of (his) own home."

The Judge conceded that some of the duplication processes were done in Rickover's Navy office, but these were "purely mechanical operations." Also, the copyright notice on each speech was signed by "H. G. Rickover," without reference to the Admiral's official capacity, Smith said.

"In short," said the Judge, "both speeches were handled as private business from start to finish."